IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1902 of 2007()

CMP.1112/2007 of J.M.F.C.,KOYILANDY

Crime No.179/2007 of Koyilandy Police Station

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PETITIONERS

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1. SANOOJ @ KUTTAN, S/O.LUNHIRMAN,
   SONY NIVAS, MARAKKULAL VAYAL,
   VIYYUR AMSOM, PULIYENCHERY,KOYILANDY.

2. SAMJITH, S/O.KRISHNAN,
   PUNATHUVAYAL MANALITHAZHE (H),
   VIYYUR AMSOM DESOM, KOLLAM,
   KOYILANDY.

3. VINEESH KUMAR, S/O.ACHUTHAN NAIR,
   VADAKKAD (H), VIYYUR AMSOM,
   KOYILANDY.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1902 OF 2007 A

Dated this the 2nd day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.2 and 3 in Crime No.179/2007 of Koyilandy Police Station for offences punishable under Secs.143, 147, 148, 452, 323, 427 and 307 read with section 149 I.P.C., seek their enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that there has been serious political clashes in retaliation in that area and that tension still prevails in that area.

3. The occurrence took place on 6.3.2007 at about 2.30 a.m. when the members of the unlawful assembly are alleged to have criminally trespassed into the house of the defacto complainant and assaulted the defacto complainant with deadly weapons including iron rod. His 8th tooth on the lower jaw has been dislocated, besides other injuries.

4. Having regard to the facts and circumstances of the case and the length of the duration of the judicial custody of the petitioners and also the present stage of the investigation, I am inclined to grant bail to the petitioners but only with effect from a future date. Accordingly, the petitioners are directed to be released on bail with

effect from 10.4.2007 on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Koyilandy and subject to the following conditions:

1. The petitioners shall report before the Circle Inspector of Police, Koyilandy between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not enter the limits of Koyilandy Police Station until further orders except for the purpose of complying with condition No.1.

3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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